

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ALLAN BUTLER,

Plaintiff,

v.

R. ROBERTS,

Defendant.

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CIVIL ACTION NO. 07-0037-CG-B

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is hereby **ORDERED** that Defendant's motion to dismiss (Doc. 35) is hereby **GRANTED** pursuant to Rule 25(a) of the Federal Rules of Civil Procedure.

DONE and ORDERED this 26th day of May, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE